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7 United States Bankruptcy Court  
8 Northern District of California  
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10 CONWAY, DANIEL & ELVIRA, ) Case No 08-10743  
Debtor ) (Chapter 7)  
11 \_\_\_\_\_)

12 Ex Parte Application for Order Shortening Time to Notice of  
13 Hearing on Application for Protective Order

14 And

15 Motion for Protective Order

16 Counsel for the Debtors comes now and applies to the Court for  
17 an order shortening time for notice of hearing on his application  
18 for a protective order. The protective order is needed to protect  
19 the rights and privileges of the Debtors. The Office of the United  
20 States Trustee served a subpoena on John Vos asking that he produce  
21 copies of each and every communication between himself and his  
22 clients, or a log thereof. Such clearly is protected by the  
23 attorney-client privilege. Even a log would reveals dates and lead  
24 to inferences. There is no exception to the attorney-client  
25 privilege in this instance.

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1 The subpoena was served by Donna Jensen on Mr. Vos during the  
2 middle of hearing last Thursday December 4<sup>th</sup> in Santa Rosa. The  
3 date set for production was barely more than one week from service  
4 - Monday December 15<sup>th</sup>. That is insufficient time to comply, and  
5 under the circumstances completely unfair.

6 Friday December 5<sup>th</sup> Mr. Vos with other clients was scheduled  
7 to start a 4-day court trial; the trial has started and is  
8 continuing even as this is being written. Meanwhile construction  
9 is occurring at Mr. Vos' office, the workmen have moved all his  
10 papers, files, desk(s) etc in his office. At this moment this file  
11 is somewhere, but temporarily unavailable until construction is  
12 completed. This is the first opportunity that Mr. Vos has had to  
13 make application to the Court for a protective order.

14 Grounds for the order include:

- 15 1/ Attorney-client privilege. Not even a rudimentary showing  
16 has been made to invade the sacrosanct relationship  
between clients and counsel;
- 17 2/ Even a 'privilege log' reveals information from which  
18 inferences can be made;
- 19 3/ Insufficient time between service and production,  
20 particularly given Mr. Vos' other commitments and  
disruption in his office.

21 There is another aspect as well, having to do with fairness.  
22 Since being retained Mr. Vos has appeared at several 341 meetings  
23 with the Debtors, appeared at a half-day 2004 examination in Santa  
24 Rosa with the Debtors, as well as provided various other legal  
25 services for the Debtors and in response to demands from the US  
26 Trustee, all without remuneration. The clients are being  
27 represented diligently, and appropriately. But at a certain point,  
28 when the privilege is to be invaded and at further expense to

